

**REMARKS**

Claims 1-33 are pending in the above-referenced patent application. Claims 1, 3, 4, 8, 9, 11, 12, 16, 22-25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatenable over Claim 1 and 8 of USPN 6,198,479 and Claims 1-22 of USPN 6,288,716. Claims 1-27 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatenable over Claims 1-12 of USPN 6,466,971. Claims 28-33 were rejected as being unpatentable over USPN 5,570,085 to Bertsch in view of USPN 5,956,487 to Venkatraman et al. ("Venkatraman").

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**Double Patenting**

Claims 1, 3, 4, 8, 9, 11, 12, 16, 22-25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatenable over Claim 1 and 8 of USPN 6,198,479 and Claims 1-22 of USPN 6,288,716.

Claims 1-27 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatenable over Claims 1-12 of USPN 6,466,971.

Applicants hereby file a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome said obviousness-type double patenting rejection, as USPN 6,198,479; USPN 6,288,716 and USPN 6,466,971 are commonly owned with this patent application. Accordingly, Applicants respectfully request the withdrawal of the rejection of Claims 1-27 thereunder because the rejections are hereby rendered moot. However, if the terminal disclaimer fails to overcome the rejections, Applicants reserve the right to file a substantive response.

**Claim rejections under 35 U.S.C. 103(a)**

Rejection of Claims 28-33 as being unpatentable over Bertsch in view of Venkatraman is respectfully traversed because the claims include limitations not taught or suggested by the references, alone or in combination.

**Regarding Claim 30**, it is respectfully submitted that Bertsch does not disclose: a controller comprising an agent that queries a device to obtain application interface description data when the device is connected to the network, as required by Claim 30. The Patent Office contends that Bertsch (col. 4, lines 54-63; col. 5, lines 46-62 and col. 9, lines 16-62) discloses such limitations.

However, in the passages cited by the Patent Office (or elsewhere in Bertsch) there is no teaching or suggestion of a controller device having an agent that queries a device connected to the network, to obtain application interface description data, as claimed. Bertsch is only directed

to a appliance control device for incorporation into a consumer appliance to provide interface between the appliance and other elements in a home network using the CEBus protocol. The appliance device interprets data messages sent to the appliance and signals the appliance in a pre-programmed manner (Abstract). In Bertsch, the appliance control device does not query an appliance connected to the network to obtain applicant interface data, and there is no need for it. If the Patent Office disagrees, Applicants respectfully request that the Patent Office point to specific description in Bertsch where the claimed limitations of disclosed.

Further, it is respectfully submitted that Bertsch does not disclose that the controller stores the obtained application interface description data in a database, as required by Claim 30. The Patent Office contends that Bertsch (col. 4, lines 24-53) discloses such limitations. However, in that passage, the only reference to a database is a database in which CEBus messages are pre-stored, and that messages appropriate for an appliance are selected therefrom (col. 4, lines 24-32). There is no teaching or suggestion of storing obtained application interface description data in a database, as claimed. Indeed, there is no teaching or suggestion of storing any obtained information in a database. The database of CEBus messages referenced by Bertsch is a pre-existing (pre-programmed) database of messages.

As the Patent Office also states, Bertsch does not disclose application interface description data for the device, wherein the application interface description data includes information for commanding and controlling of the device by another device connected to the

network, as required by Claim 30. However, the Patent Office contends that Venkatraman (col. 2, lines 13-50) discloses such limitations, and that it would have been obvious to combine Bertsch and Venkatraman to achieve the claimed invention.

It is respectfully submitted that Venkatraman does not disclose application interface description data for the device, wherein the application interface description data includes information for commanding and controlling of the device by another device connected to the network, as claimed. Venkatraman simply discloses embedding web functionality in a device 10 by including a web server 14 in the device 10 that provides a web page 18 to a browser 40. The web page 18 is not application interface description data as claimed, and there is no controller in Venkatraman that queries a device to obtain application interface description data when the device is connected to the network, such that the application interface description data includes information for commanding and controlling of the device by another device connected to the network. Further, there is no motivation or suggestion in either reference to combine them. Even if the references are combined, the result does not disclose all of the claimed limitations. Therefore, for at least these reasons, rejection of Claim 30 should be withdrawn.

**Regarding Claim 31**, despite the Patent Office's statement, neither Bertsch (col. 2, lines 51-63) nor Venkatraman (col. 7, lines 37-51) even mention XML. Further, there is no motivation, reason or suggestion in either reference, or by the Patent Office, to combine the references. Therefore, for at least these reasons, rejection of Claim 31 should be withdrawn.

**Regarding Claim 33**, despite the Patent Office's statement, Bertsch (col. 5, lines 46-62 and col. 9, lines 16-62) and Venkatraman (col. 5, line 44 to col. 6, line 5), alone or in combination, do not disclose that: "a first device accesses an application interface description for another device in the database and sends control and command data to that other device utilizing said application interface description," as required by Claim 33.

However, in the passages referenced by the Patent Office, Bertsch simply mentions an appliance control device for incorporation into a consumer appliance to provide interface between the appliance and other elements in a home network using the CEBus protocol. The appliance device interprets data messages sent to the appliance and signals the appliance in a pre-programmed manner. There is only reference to a in which CEBus messages are pre-stored, and that messages appropriate for an appliance are selected therefrom (col. 4, lines 24-32). In Bertsch there is no need, or teaching, of a first device accessing an application interface description for another device in the database. Bertsch's database only contains pre-stored CEBus commands, not application interface description data. Further, nowhere in Bertsch is it disclose that that a device sends control and command data to another device utilizing said application interface description obtained from a database, as claimed. If the Patent Office disagrees, Applicants respectfully request that the Patent Office point to specific description in Bertsch where the claimed limitations of disclosed.

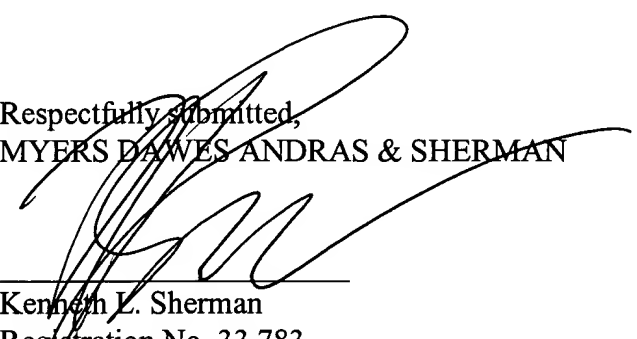
Further, Venkatraman (col. 5, line 44 to col. 6, line 5) only mentions that a browser is used to access a device that includes a web server and a web page. There is no database of application interface description data in Venkatraman. There is no mention that a device sends control and command data to another device utilizing said application interface description obtained from a database, as claimed. If the Patent Office disagrees, Applicants respectfully request that the Patent Office point to specific description in Venkatraman where the claimed limitations of disclosed. Further, there is no motivation, reason or suggestion in either reference, or by the Patent Office, to combine the references. Even if the references are combined, the result does not disclose all of the claimed limitations. Therefore, for at least these reasons, rejection of Claim 33 should be withdrawn.

**Claims 28, 29 and 32** were rejected for similar reasons as Claims 30, 31 and 33, and are therefore allowable for at least the reasons provided above in relation to Claims 30, 31 and 33.

**Conclusion**

For these, and other, reasons, Applicants believe that the claims are in condition for allowance. Reconsideration, re-examination, and allowance of all claims are respectfully requested.

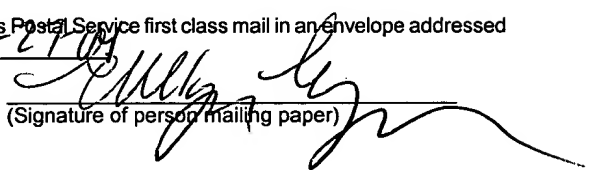
Respectfully submitted,  
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